

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CIVIL ACTION
NO. 03-12551-MBB

FRANK SACO,
Plaintiff,

VS.

TUG TUCANA and
TUG TUCANA CORPORATION,
Defendants.

DEFENDANT, TUG TUCANA CORPORATION'S, ASSENTED TO MOTION
TO CONVERT THE FINAL PRE-TRIAL CONFERENCE TO A STATUS
CONFERENCE

Now comes the defendant, Tug Tucana Corporation, in the above captioned action, by and through its undersigned counsel, and respectfully moves this Honorable Court to convert the Final Pretrial Conference scheduled for September 26, 2005 at 10:00 A.M. to a Status Conference because several factual issues remain unresolved in this matter.

On or about June 2, 2005, the plaintiff underwent another surgery on his right foot. Currently, he continues with his rehabilitation from the surgery. Since the plaintiff's surgery, the parties attempted to obtain his physician's treatment records to determine the results of the surgery and the plaintiff's prognosis. On September 9, 2005, plaintiff's counsel forwarded copies of several medical records to defendant's counsel. After reviewing the medical records, the defendant wishes its medical expert, Dr. Sally

Rudicel, to conduct a second medical examination of the plaintiff. Dr. Rudicel initially examined the plaintiff in January of this year. A second medical examination should address any issues surrounding the plaintiff's course of treatment and future prognosis.

Further, the parties' liability experts have expressed a wish to inspect the TUG TUCANA, which is presently working off the coast of Wilmington, Delaware. The defendant can arrange an inspection of the vessel, but it is committed to its project in Delaware and will not return to New England in the foreseeable future. Accordingly, coordination and travel arrangements must be made to inspect the vessel in Delaware.

Given the outstanding factual issues raised herein, the defendant wishes to consult with the Court concerning the future scheduling of the Pretrial Conference and the Trial, which is presently scheduled to begin on October 24, 2005 at 9:00 A.M.

This motion has been assented to by the plaintiff's counsel.

WHEREFORE, the defendant prays that this Honorable Court grant this motion and convert the Final Pretrial Conference to a Status Conference on September 26, 2005 at 10:00 A.M.

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Respectfully submitted,

By Its Attorneys

CLINTON & MUZYKA, P.C

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